IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 284 of 2004

Between:

Smt. V. Seethamaha Laxmi, W/o. Sri V. Rama Prasad Rao,

R/o. B-304, Dattasai Apartments, Rajbhavan Road,
Somajiguda, Hyderabad - 500 482.

..... PETITIONER

AND

Alwal Municipality, rep. by its Commissioner,

Ranga Reddy District. .....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus : i) declare the action of the Respondent in not granting permission to the petitioner on Plot No. 123 part and 124 in Survey No. 391/A of Alwal Village and Municipality area as arbitrary, illegal, violative of Article 14 of the Constitution of India and subsequently direct the Respondent to grant permission to the petitioner on Plot No. 123 part and 124 in Survey No. 391/A of Alwal Village & Municipality area.

Counsel for the Petitioner : Mr.A.SUDERSHAN REDDY

Counsel for the Respondent : Mr.R.TIMMA REDDY

The Court made the following :

ORDER:

Heard the learned counsel for petitioner and the learned standing counsel appearing for respondent.

The petitioner claims to be owner of a Plot bearing No.123 part and 124 to an extent of 409 sq.yards situated at Survey No.391/A of Alwal village having purchased the same under the registered sale deed dated 17.11.1995. The petitioner states that there are about 90 plots in the said survey number which have been sold to various individuals and that most of the plot owners have already constructed houses after obtaining permission from the Respondent-Municipality. The petitioner states that she had already made a representation on 9.7.2003 to the respondent authorities seeking permission for construction of the house by paying building permission fee of Rs.34,590/-. The only grievance of the petitioner is that the representation made by her as long back as on 9.7.2003 has been kept pending and no orders have been passed by the respondent so far. The petitioner states that several other persons who are similarly situated and are owning the land in the said Survey No.391/A have already been granted sanction and the action of the respondent in not considering the request of the petitioner for sanction of permission for construction of the premises without there being any justifiable reason is arbitrary and illegal.

Though Rule Nisi was ordered on 7.1.2004, so far no counter affidavit has been filed by the respondent. Having regard to the facts and circumstances of the case and having heard the learned counsel for both the parties, I do not see any justifiable reason to keep the matter pending any longer. Instead, I deem it appropriate to dispose of the writ petition with a direction to the respondent to consider the application made by the petitioner dated 9.7.2003 seeking permission for construction of house in Plot No.123 Part and 124 in Survey No.391/A of Alwal village and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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G.ROHINI, J

Date: 10.12.2004

Note: C.C. IN (3) DAYS.

B/O

DA

To

1. The Commissioner, Alwal Municipality, Ranga Reddy District.
2. Two CD copies.